

Chesapeake Bay Exception CBE-10-032: Stonehouse Land Bay 3

Staff report for the April 14, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Ms. Kristen Shacochis-Brown, Kerr Environmental Services Corp.

Land Owner(s): GS Stonehouse Green Land Sub, LLC

Location: 9235 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440100029: GS Stonehouse owner

9340 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440200002: 2J Investments LLC, owner

9315 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0440100033: 2J Investments, LLC owner

9683 Mill Pond Run, Toano, Virginia 23168
Pin: 0530100017: The Association at Stonehouse, Inc owner
(Homeowners Association)

Parcel Size/Zoning: 41 +/- acres, PUD Residential and PUD Commercial

Percent of Parcels in RPA: 34% (14 +/- acres)

Watershed: Ware Creek

Proposed Impacts

Chesapeake Bay Board action (Board approval)

Sanitary Sewer RPA Encroachments:	
Permanent encroachment:	24,004 square feet (0.55 ac.)
Temporary encroachment:	16,266 square feet (0.37 ac.)
Total:	40,270 square feet (0.92 ac.)

Chesapeake Bay Preservation Ordinance Administrator action (Administrative approval)

BMP RPA Encroachments:	10,463 square feet (0.24 ac.)
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Brief Summary and Description of Activities

On December 9, 2009, the Chesapeake Bay Board approved an exception to the use of the resource protection area for impacts associated with the installation of a gravity sewer line and permanent maintenance easement. On or about February 25, 2010, it was discovered by the applicant that there was an error in the approved WQIA between what was shown on the plan sheet for mitigation area and what was transferred to a table (Table 3 – Table of Mitigation Offered). The plan sheet has 3,480 square feet of area to be replanted and the table says 5,480 square feet. The additional 2,000 square feet of mitigation planting cannot be accommodated at the mitigation site therefore the applicant has requested a change in the approved conditions.

Under approved condition #6, fourth bullet, revise to read “3,480 square feet” instead of “5,480 square feet”. This modification will reflect the correct acreage of planting around BMP 3A as shown in Appendix F, figure LS-4 of the approved WQIA. There are no proposed revisions to the planting around this BMP.

Under approved condition #6, fifth bullet, revise to read “\$6,734.70” instead of “\$4,634.70” into the Chesapeake Bay Mitigation Fund. The applicant is requesting the CBB consider this additional payment into the Chesapeake Bay Mitigation Fund as adequate compensation for the 2,000 square foot planting shortfall from the approved exception.

Staff Recommendation

Staff has reviewed the exception request and has determined that the proposed mitigation measures are acceptable. Staff recommends the Chesapeake Bay Board reapprove the Chesapeake Bay Exception CBE-10-032 dated December 9, 2009 with the following changes:

1. Condition 6, fourth bullet, “Replant 3,480 sq ft of non-RPA adjacent to BMP 3A in Tract 12 of Stonehouse. This area shall be placed within a conservation easement and dedicated to James City County.”
2. Condition 6, fifth bullet, “Payment of \$6,734.70 into the Chesapeake Bay Mitigation Fund.”
3. This exception request approval shall become null and void if construction has not begun by April 14, 2011.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County’s Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-10-032 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County’s Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-10-032 are included for the Board’s use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments:

Sheet LS-4 from approved WQIA
Table 3 – Table of Mitigation Offered from approved WQIA
Email from Kristen Shacochis, dated March 2, 2010
Approved Resolution from December 9, 2009